

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 JUNIOR WALKER MILLS,)
10 Petitioner,) 3:03-cv-00219-LRH-RAM
11 vs.) ORDER
12 BRIAN WILLIAMS, *et al.*,)
13 Respondents.) /

15 This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. The
16 petition was dismissed and judgment was entered on May 19, 2005. (Docket #59, #60). Petitioner
17 has filed a motion requesting copies of documents comprising the excerpt of the record in an appeal,
18 pursuant to Ninth Circuit Rule 30-3. (Docket #71). On November 22, 2005, the Ninth Circuit Court
19 of Appeals denied petitioner's request for a certificate of appealability in the instant action. (Docket
20 #70). As there is no pending appeal in this action, petitioner's motion for documents is unwarranted
21 and is therefore denied.

22 The Court notes that, while petitioner captioned his motion with the instant district court case
23 number, the appellate case number referenced in the motion does not correspond to the appellate
24 case number for the instant action. Instead, petitioner refers to appellate case number 08-15582,
25 which is an appeal of the decision in district court case number 2:07-cv-1084-JCM-PAL. To the
26 extent that petitioner is seeking documents related to his appeal of the decision in case number 2:07-
27 cv-1084-JCM-PAL, he may file a motion for the same in that case.

1 **IT IS THEREFORE ORDERED** that petitioner's motion for documents (Docket #71) is
2 **DENIED**, without prejudice to petitioner filing a motion for the same in the appropriate case.
3 DATED this 11th day of December, 2008.

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**LARRY R. HICKS
UNITED STATES DISTRICT JUDGE**